REMARKS

In a final Office Action mailed August 22, 2007, claims 1-13, 30-34 and 62-77 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Elliott in view of U.S. Patent No. 6,148,291 (Radican). Applicants respectfully traverse and request reconsideration.

As an initial matter, Applicants note that claims 5, 7, 8, 11, 14-16, 35-41 and 66-69 have now been canceled. Additionally, claims 17-29 and 42-61 have been withdrawn previously. Thus, no further discussion of these canceled or withdrawn claims will be presented. Claims 1-4, 6, 9, 10, 12, 13, 30-34, 62-65 and 70-77 are currently pending.

Applicants note that claims 1 and 9 have been amended above to recite that the rule execution component and the configuration engine component constitute at least a portion of a centralized tracking manager as reflected, for example, in FIGs. 1 and 2 of the instant drawings (elements 102, 210, 219 and 223) and corresponding specification, and that the configuration engine component periodically causes the rule execution component to process the event information in accordance with at least a portion of the at least one rule. As noted in Applicants' Response Under 37 C.F.R. § 1.113 to the currently pending Office Action, the cited portions of Elliot make clear that any periodic assessment of rules is initiated by Elliott's tracked device 105, not his tracking server 110. This distinction is significant, for example, to the extent that Elliott's tracked device 105 is called upon to continuously and periodically make transmissions (as a result of the periodic rules assessment) that may be prohibitive for power consumption reasons in the event that the tracked device 105 is battery powered.

With regard to claims 1, 9 and 30, Applicants also note that these claims have been amended to further recite that periodic evaluation of at least some of the rules is performed without regard to the receipt of event information. Applicants note that Elliott does not teach

any evaluation of rules that are not in response to the occurrence of event information, nor is this shortcoming remedied through the application of Radican.

For these reasons, Applicants respectfully submit that the combination of Elliott in view of Radican fails to establish prima facie obviousness of claims 1, 9 and 31, which claims are therefore in suitable condition for allowance.

Claims 2-4, 6, 10, 12, 13, 31-34, 62-65 and 70-77 are dependent upon respective ones of claims 1, 9 and 30 and therefore incorporate the limitations of these independent claims. Thus, for at least the reason given above with respect to claims 1, 9 and 30, Applicants respectfully submit that Elliott in view of Radican fails to establish prima facie obviousness of claims 2-4, 6, 10, 12, 13, 31-34, 62-65 and 70-77, which claims are therefore in suitable condition for allowance. Furthermore, Applicants note that dependent claims 2-4, 6, 10, 12, 13, 31-34, 62-65 and 70-77 also recite additional patentable subject matter.

For example, with respect to dependent claim 6, Applicants note that this claim recites two or more execution frequencies associated with two or more rules such that the rules are executed with different frequencies. Applicants have noted the arguments in the Advisory Action dated November 19, 2007 in this regard, particularly that Elliott teaches the occurrence of two or more rules at two or more execution frequencies to the extent that it teaches the occurrence of alarm events when a vehicle reaches 50 MPH or 75 MPH. Applicants are at a loss how this teaching of Elliott translates to two or more execution frequencies associated with two or more rules. That is, if it is being asserted that the alarm events occurring at different speeds inherently results in different times or frequencies of execution of the rules corresponding to these respective conditions, Applicants note that this does not *necessarily* equate to different frequencies of execution. For example, the alarm conditions for 50 MPH and 75 MPH in Elliott

may be executed with identical frequency if the monitored vehicle repeatedly accelerates from below 50 MPH to above 75 MPH. Of course, this may not always be the case. However, such ambiguity regarding the teachings of Elliott are precisely the point--that the inherent teachings of a reference *may* encompass the claimed subject matter is not sufficient to demonstrate that the reference does teach the claimed subject matter. (See M.P.E.P. §2112: that a certain characteristic may be present in the prior art is not sufficient to establish the inherency of that characteristic.) For this reason, Applicants respectfully submit that the combination of Elliott in view of Radican fails to establish prima facie obviousness of claim 6, which claim is therefore in suitable condition for allowance.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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